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Atty. Docket No. OLI002 P361

PATENT  
2009 OCT -2 PM 4:40

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to Mail Stop M Correspondence, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

9/29/2009  
Date

Sandra J. VanderHulst  
Sandra J. VanderHulst

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE OCT 09 2009

Patent No. : 7,370,455  
Issue Date : May 13, 2008  
Patentee : Kevin J. Dewey et al.  
Assignee : Oliver Products Company  
For : FOOD CONTAINER SEALING APPARATUS

OFFICE OF PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)  
AS A SMALL ENTITY (37 C.F.R. §1.28(c))  
ALONG WITH DEFICIENCY PAYMENT  
UNDER 37 C.F.R. §1.28(c) BECAUSE  
OF LOSS OF ENTITLEMENT OF SMALL ENTITY STATUS

- 1) Applicant hereby notifies the United States Patent and Trademark Office that it is no longer entitled to status as a small entity, and that the claim of small entity status is hereby withdrawn.
- 2) Applicant hereby submits the deficiency owed for the fees listed below:

10/05/2009 DALLEN 00000032 162463 10567885  
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Patentee                      Kevin J. Dewey  
Patent No.       :       7,370,455  
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3)	<u>FEE(S) ERRONEOUSLY PAID AS A SMALL ENTITY</u>	<u>FEE ACTUALLY PAID AS A SMALL ENTITY</u>	<u>DEFICIENCY OWED</u>
<input type="checkbox"/>	Filing fee paid on	\$ _____	\$ _____
<input type="checkbox"/>	Excess claims (over 20) paid on _____.	\$ _____	\$ _____
<input checked="" type="checkbox"/>	Fee for 8 independent claims fee paid on September 20, 2007.	<u>\$ 600.00</u>	<u>\$ 1,160.00</u>
<input checked="" type="checkbox"/>	The issue fee paid on January 9, 2008.	<u>\$ 720.00</u>	<u>\$ 790.00</u>
<input type="checkbox"/>	First, second or third maintenance fee paid on .	\$ _____	\$ _____
<input type="checkbox"/>	Other:	\$ _____	\$ _____

**WARNING:** "The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error. . ." 37 C.F.R. § 1.28(c)(2)(i).

**NOTE:** 37 C.F.R. § 1.28(b)(2): "The date when a deficiency payment is paid in full determines the amount of deficiency that is due pursuant to paragraph (c) of this section."

**Total deficiency owed \$1,950.00**

**NOTE:** 37 C.F.R. § 1.28(d): "Payment of deficiency operates as notification of loss of status. Any deficiency payment (based on a previous erroneous payment of a small entity fee) submitted under paragraph (c) of this section will be treated under § 1.27(g)(2) as a notification of loss of entitlement to small entity status."

Patentee                    Kevin J. Dewey  
Patent No.        :        7,370,455  
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4)        Authorization is hereby made to charge the amount of \$1,950.00 to Deposit Account No. 16-2463 including any additional fees required by this paper or credit any overpayment.

A duplicate of this paper is attached.

Respectfully submitted,

By:    Price, Heneveld, Cooper,  
      DeWitt & Litton, LLP

September 29 2009

Date



Marcus P. Dolce, Reg. No. 46 073

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